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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,820	07/10/2003	Allan McCarty	PAR-115-D	2690

7590 07/12/2005

William M. Hanlon, Jr.
Suite 624
3001 West Big Beaver Road
Troy, MI 48084

EXAMINER

GRAHAM, MARK S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/616,820

Applicant(s)

MCCARTY, ALLAN

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3711

The indicated allowability of claims 1, 3, 7, 8, and 9 is withdrawn in view of the McCarty et al. 5,725,437 reference. Rejections based on the '437 reference follow.

The following objections to the specification and claims need to be corrected:

On page 1 of the specification, line 3, "continuation" needs to be replaced with -- continuation in part-- to accurately reflect the fact that new subject matter was added in the '473 application which claimed priority from the '249 application.

In paragraph 32 of the specification, the language needs to be clarified as to what is meant by "only for a wood shaft". Does the applicant intend that only wood shafts may contain this distance "X" or is meant that in wood shafts only this distance may be used?

In paragraph 35 of the specification the language "up to at least 10 to 12 inches" needs to be clarified. Does applicant intend that any distance up to 10 to 12 inches is suitable or is the applicant saying that the bore must be at least 10 to 12 inches long.

In claim 1, lines 6 and 7, proper antecedent basis for the "the bore" is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

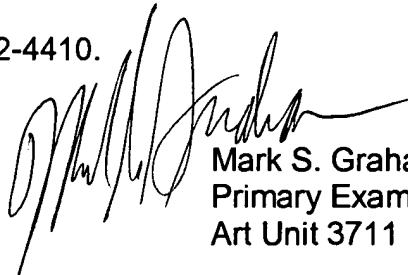
Claims 1, 3, 7, 8, and 9 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over McCarty et al. '437 (McCarty). Because the claims include features not disclosed in the '437 patent and the filing date of the instant application is more than one year after the publication of the '437 patent the '437 patent is available as prior art, (See MPEP 201.11 VI).


In Col. 5 on the '437 application it is disclosed that the bore should be 5 inches; that the wall thickness may be .01 inches or .015 inches; and may be made of a composite materials including epoxy and carbon. Such a reading of the column indicates that claims 1, 3, 7, 8, and 9 are anticipated. Regarding claim 9, either the tenon 60 or the air in the bore may be considered the non-structural material.

Alternatively if one does not read the disclosure to specifically disclose the 5 inch bore in the composite cue the fact that this is the only depth disclosed would have made it obvious to one of ordinary skill in the art to have used it on the composite cue. With regard to claim 3, the reference clearly states that various fiber reinforced plastics may be used. The examiner takes official notice that carbon/epoxy composites are commonly known. Such would obviously have been suitable for the ordinarily skilled artisan seeking a particular strength and weight in the cue.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG
7/1/05


Mark S. Graham
Primary Examiner
Art Unit 3711


GREGORY V. VOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700